

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 K-Con, Inc)
 _____)
 Plaintiff,)
 vs.)
)
 King Street Enterprises, LLC and Ohio)
 Imaging Associates, Inc.)
 _____)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO.: 2018-CP-10-3825

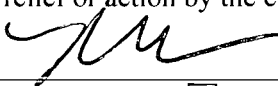
**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: Brent S. Halversen, Bar No. _____ Address: Halversen & Associates 751 Johnnie Dodds Blvd., Ste. 200 Mount Pleasant, SC 29464 Phone: 843-284-5790 Fax _____ E-mail: brent@halversenlaw.com Other: _____	Defendant's Attorney: William Scott, Bar No. _____ Address: Pedersen and Scott, PC 775 St. Andrews Blvd. Charleston, SC 29407 Phone: 843-556-5656 Fax _____ E-mail: _____ Other: _____
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MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
 Nature of Motion: Motion to Comepl
 Estimated Time Needed: 1 mins Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type
 Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.



 Signature of Attorney for Plaintiff / Defendant

September 18, 2019
Date submitted

SECTION III: Motion Fee

PAID – AMOUNT: \$ _____
 EXEMPT: (check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status State Agency v. Indigent Party
- Sexually Violent Predator Act Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication Motion for Execution (Rule 69, SCRCP)
- Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other: _____

JUDGE CODE _____
 Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

MOTION FEE COLLECTED: \$ _____

CONTESTED – AMOUNT DUE: \$ _____

SCCA 233 (11/2003)

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON)

CASE NO. 2018-CP-10-3825

K-CON, INC.,)

Plaintiff,)

vs.)

OHIO IMAGING ASSOCIATES, INC.
MOTION TO COMPEL

KING STREET ENTERPRISES, LLC)
and OHIO IMAGING ASSOCIATES INC.)

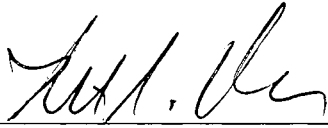
Defendants.)

FILED
2019 SEP 18 AM 11:13
JULIE S. ANTONI
CLERK OF COURT
BY *AB*

PLEASE TAKE NOTICE that the Defendant, Ohio Imaging Associates Inc. (OIA) moves the Court at the Charleston County Court of Common Pleas, for an order compelling Plaintiff to make available responses to subpoenas it served, pursuant to Rule 45. Plaintiff has conditioned compliance with the request to pay his paralegal \$377.00 to put the files on a thumb drive. OIA has not requested the Plaintiff to make copies, simply put the data on a thumb drive for OIA to make copies at its own expense.

WHEREFORE, the Plaintiff prays this Honorable Court inquire into the matter and compel Plaintiff to allow Defendant access to the .

Brent Souther Halversen, LLC

By: 


Brent S. Halversen
751 Johnnie Dodds Blvd., Suite 200
Mount Pleasant, SC 29464
T: 843-284-5790
F: 864-326-4844
Email: brent@halversenlaw.com

9/18, 2019.

CERTIFICATE OF SERVICE 2018-CP-10-3825

I certify that I served the Motion to Compel upon all counsel of record by affixing same with proper postage placing same with the United States Postal Service addressed to the counsel's last known address on this 18th day of September, 2019.

Brent Souther Halversen, LLC

By: 

Brent S. Halversen
751 Johnnie Dodds Blvd., Suite 200
Mount Pleasant, SC 29464
T: 843-284-5790
F: 864-326-4844
Email: brent@halversenlaw.com

9/18, 2019.
Mount Pleasant, South Carolina

FILED
2019 SEP 18 AM 11:13
JULIE A. HARRIS, CLERK
CLERK OF COURT
BY _____

From: [Brent Halversen](#)
To: [Bill Scott](#)
Cc: [Tracy Braceland](#)
Subject: RE: K-CON
Date: Wednesday, September 18, 2019 9:24:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Bill,

I am not asking you to make copies. Shall we add this to the list of items we cannot agree for Judge Jefferson to decide upon ?

Brent

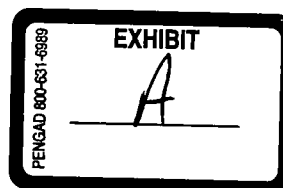
From: Bill Scott <bscott@pslawpc.com>
Sent: Wednesday, September 18, 2019 8:21 AM
To: Brent Halversen <Brent@halversenlaw.com>
Cc: Tracy Braceland <tracy@pslawpc.com>
Subject: RE: K-CON

See the previous email on Sept. 16th for how the reasonable costs were determined. How much do you think the reasonable costs should be?

William A. Scott, Esq.
Pedersen & Scott, P.C.
775 St. Andrews Boulevard
Charleston, SC 29407
Tel. 843-556-5656
Fax. 843-556-5635
Email: bscott@pslawpc.com

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From: Brent Halversen [<mailto:Brent@halversenlaw.com>]
Sent: Tuesday, September 17, 2019 7:01 PM
To: Bill Scott <bscott@pslawpc.com>
Cc: Tracy Braceland <tracy@pslawpc.com>
Subject: Re: K-CON



You are telling me it is going to cost \$377.00 to drag and drop the documents onto a thumb drive ? Is that what you are telling me ? Please confirm.

Brent

Get Outlook for iOS

From: Bill Scott <bscott@pslawpc.com>
Sent: Tuesday, September 17, 2019 5:50 PM
To: Brent Halversen
Cc: Tracy Braceland
Subject: RE: K-CON

Brent:

There are no documents for Pro Copy or anyone to pick up unless Tracy reproduces the documents from electronic files to other electronic files, or makes paper copies. There are over 2,500 pages of documents. If Tracy reproduces the files and provides them in electronic format, the reasonable costs of reproduction is \$377 as previously stated. If the documents are print out, the costs will be \$.25 per page, or over \$625.

Bill

William A. Scott, Esq.
Pedersen & Scott, P.C.
775 St. Andrews Boulevard
Charleston, SC 29407
Tel. 843-556-5656
Fax. 843-556-5635
Email: bscott@pslawpc.com

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From: Brent Halversen [<mailto:Brent@halversenlaw.com>]
Sent: Monday, September 16, 2019 4:45 PM
To: Bill Scott <bscott@pslawpc.com>
Cc: Tracy Braceland <tracy@pslawpc.com>
Subject: RE: K-CON

Yea, it's called copying charges. I believe there is a statute on it. And I have NEVER paid an opposing party paralegal fees or research time to assemble the documents for copying which you are not paying for- I am. This is my final Rule 11 consultation on this matter. If I do not hear from you by COB tomorrow, I will assume you will not allow Pro Copy to come and pick up the documents you have access to and are not producing.

Brent

From: Bill Scott <bscott@pslawpc.com>
Sent: Monday, September 16, 2019 4:41 PM
To: Brent Halversen <Brent@halversenlaw.com>
Cc: Tracy Braceland <tracy@pslawpc.com>
Subject: RE: K-CON

A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

SCRCP 45(c)(2)(A)

William A. Scott, Esq.
Pedersen & Scott, P.C.
775 St. Andrews Boulevard
Charleston, SC 29407
Tel. 843-556-5656
Fax. 843-556-5635
Email: bscott@pslawpc.com

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From: Brent Halversen [<mailto:Brent@halversenlaw.com>]
Sent: Monday, September 16, 2019 12:53 PM
To: Bill Scott <bscott@pslawpc.com>
Subject: RE: K-CON

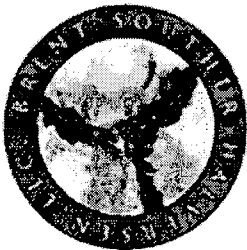
That's news to me. Please give Pro Copy thumb drive and they will get copies to me.

Brent

Brent Souther Halversen, LLC

Attorney-At-Law

751 Johnnie Dodds Blvd., Suite 200
Mount Pleasant, South Carolina 29464
(843) 284-5790 tel.
(864) 326-4844 fax.
brent@halversenlaw.com
www.halversenlaw.com



*****PLEASE NOTE OUR NEW ADDRESS EFFECTIVE AUGUST 1, 2018*****

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and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending any transaction or matter addressed in this communication.

From: Bill Scott <bscott@pslawpc.com>
Sent: Monday, September 16, 2019 12:51 PM
To: Brent Halversen <Brent@halversenlaw.com>
Cc: Tracy Braceland <tracy@pslawpc.com>
Subject: RE: K-CON

Brent:

I believe all of the documents were produced to us in electronic format, either by dropbox, email or on a thumb drive. We have not printed out the documents so that they cannot be given to someone to copy. The only way to produce the documents is for Tracy to make electronic copies on a thumb drive. Your client is responsible for that reasonable costs, which included Tracy's time plus, as I suggested, 1/2 the actual costs we had to pay.

Let me know how you want to proceed.

Bill

William A. Scott, Esq.
Pedersen & Scott, P.C.
775 St. Andrews Boulevard
Charleston, SC 29407
Tel. 843-556-5656
Fax. 843-556-5635
Email: bscott@pslawpc.com

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From: Brent Halversen [mailto:Brent@halversenlaw.com]
Sent: Monday, September 16, 2019 12:35 PM
To: Bill Scott <bscott@pslawpc.com>
Subject: RE: K-CON

No. I will have Pro Copy pick up the documents and have them invoice me. The original documents will be returned to you. I am not paying your paralegal.

Brent

Brent Souther Halversen, LLC

Attorney-At-Law

751 Johnnie Dodds Blvd., Suite 200
Mount Pleasant, South Carolina 29464
(843) 284-5790 tel.
(864) 326-4844 fax.
brent@halversenlaw.com
www.halversenlaw.com



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From: Bill Scott <bscott@pslawpc.com>
Sent: Monday, September 16, 2019 12:05 PM
To: Brent Halversen <Brent@halversenlaw.com>
Subject: RE: K-CON

Brent:

With regard to providing copies of the documents received pursuant to subpoena, I will produce the documents and I will expect payment for the production. I will split the actual costs for obtaining the documents, which will include ½ the costs for service of the subpoenas plus ½ the costs for copying, plus 1 hour of my Paralegal's time, \$100. The total will be \$377.00. Please confirm that you will pay the costs and I will have the documents put on a thumb drive.

Thanks. Bill

William A. Scott, Esq.
Pedersen & Scott, P.C.
775 St. Andrews Boulevard
Charleston, SC 29407
Tel. 843-556-5656
Fax. 843-556-5635
Email: bscott@pslawpc.com

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From: Brent Halversen [<mailto:Brent@halversenlaw.com>]

Sent: Friday, September 13, 2019 9:57 AM
To: Bill Scott <bscott@pslawpc.com>
Cc: Tracy Braceland <tracy@pslawpc.com>
Subject: RE: K-CON

Bill,

I have gone through your harassing three sets of discovery requests, seeking the same information over and over, multiple times now, and have provided my responses as to why what you have sought is either not relevant or harassing. Happy to argue all of them. The documents in the 2 binders contain emails with attachments that were sent between our clients. Yes, of course they are kept in the normal course of my clients business. Again, let me know if you want these documents copied. I already told you I would consent to the motion to amend and if my last emails were not clear enough, yes 2 PM start on 9/24 here at my office is fine.

I also hereby request all copies of all documents you have received from subpoenas sent pursuant to Rule 45.

Brent

From: Bill Scott <bscott@pslawpc.com>
Sent: Friday, September 13, 2019 8:55 AM
To: Brent Halversen <Brent@halversenlaw.com>
Cc: Tracy Braceland <tracy@pslawpc.com>
Subject: RE: K-CON

Brent:

As for discovery, I simply want your client to provide responsive documents as required by the Rules. So far, that has not been done. I have told you what is deficient. Please see the motion to compel and the emails that I have sent, attached again.

As for the documents you say you have, the "2 binders of documents that contain emails, submittals and documents **that were not in the original production,**" please advise which requests the documents are responsive to, and advise whether the documents are as they are kept in the normal course of business, or are they organized and labeled to correspond with the categories in the requests? I need that information before I inspect the documents to know what I will be inspecting. I can inspect them next week once you provide the above information. Once again, please make sure Ms. Kanters brings all of the requested documents